

COURTROOM MINUTES OF CRIMINAL PROCEEDINGS
NORFOLK/NEWPORT NEWS DIVISION

SENTENCING

Set: 2:30 p.m.
Started: 2:38 p.m.
Ended: 4:04 p.m.

Date: 10/31/16
Judge: Robert G. Doumar, SUSDJ
Court Reporter: Goddy Stewart, OCR
U.S. Attorney: Kevin Hudson
Defense Counsel: Catherine M. Six, CJA
CRD/Law Clerk: Lori Baxter / Erin Topp
Probation Officer: Darryl Upshur

Case No. 2:16CR68 Defendant: BRIAN LEE GOFFIGAN
(X) in custody () on bond Interpreter: _____

X Came on for disposition.

_____ Govt/Deft motion for _____ - Argued.

_____ Granted. _____ Denied.

✓ Presentence report reviewed. ✓ Objections heard and rulings made.

_____ Evidence presented. (Witnesses and exhibits listed on last page)

✓ Arguments of counsel.

✓ Statement of defendant. (Sworn / Unsworn)

✓ Court finds deft. GUILTY as to Count(s) 1-CI after a plea before a USMJ.

(RJK-6/17/16)
(DEM-6/23/16)

IMPRISONMENT

SENTENCE: Count(s) 1-CI: The deft. shall be committed to the custody of B.O.P. to be imprisoned for a term of 200 months. The term consists of _____ months on Count _____ and a term of _____ months on Count _____, all to be served concurrently/consecutively. BOP give credit for state time served

✓ The deft. is remanded to the custody of the U.S. Marshal.

_____ The deft. shall receive credit for time served.

_____ The deft. shall surrender for service of the sentence at the institution designated by the Bureau of Prisons/U.S. Marshal, before _____ on _____, as notified by the U.S. Marshal. If no designation received, the deft. is to report to the USM, 600 Granby Street, Norfolk, VA before _____ on _____.

PROBATION / SUPERVISED RELEASE

_____ The deft. shall be placed on probation for a term of _____ years.

✓ Upon release from imprisonment, the deft. shall be on supervised release for a term of 6 years. This term consists of _____ years on Count _____, and _____ years on Count _____, all to run concurrently.

SPECIAL CONDITIONS OF SUPERVISION

____ As reflected in the presentence report, the deft. presents a low risk of future substance abuse and therefore, the court hereby suspends the mandatory condition for substance abuse testing as defined by 18 USC 3563 (a)(5). However, this does not preclude the probation office from administering drug tests as they may deem appropriate.

☒ *If the defendant tests positive...*
The deft. shall participate in a program approved by the United States Probation Office for substance abuse, which program may include residential treatment and testing to determine whether the deft. has reverted to the use of drugs or alcohol, with partial cost to be paid by the deft., all as directed by the probation officer. *maybe*

____ The deft. shall participate in a program approved by the United States Probation Office for mental health program/anger management/alcohol education treatment. The costs of these programs are to be paid partially by the deft. as directed by the probation officer.

☒ The deft. shall waive all rights of confidentiality regarding substance abuse treatment in order to allow the release of information to the United States Probation Office and ~~the~~ *any* Bureau of Prisons and authorize communication between the probation officer, the Bureau of Prisons and the treatment provider.

____ The deft. shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.

____ The deft. shall provide the probation officer access to any requested financial information.

____ The defendant shall apply monies received from income tax refunds, lottery winnings, inheritances, judgments, and any anticipated or unexpected financial gains to the outstanding court-ordered financial obligation.

____ The defendant shall participate in the Treasury Offset Program.

☒ The defendant shall pay for the support of his children in the amount ordered by any social service agency or court of competent jurisdiction. In the absence of *any* such order, payments are to be made on a schedule to be determined by the Court at the inception of supervision, based on the defendant's financial circumstances. *and thereafter.*

____ The deft. shall be on Home Detention, which shall include electronic monitoring at the deft's expense, for a period of _____ consecutive months/days. During this time, he/she shall remain at his/her place of residence except for employment and other activities approved in advance by the probation officer.

____ While on home detention, the deft. shall maintain a telephone at his place of residence without party lines, telephone answering machines, a modem, "call forwarding," "caller ID," "call waiting," "portable cordless telephones or any other devices or services that may interfere with the proper functioning of the electronic monitoring equipment for the above period. He shall wear an electronic monitoring device, follow electronic monitoring procedures, and pay the cost of the electronic monitoring, all as directed by the probation officer.

☒ The defendant shall obtain a General Equivalency Diploma (GED) or a vocational skill if not employed full-time and if not previously obtained.

____ Upon completion of the term in imprisonment, the defendant is to be surrendered to a duly-authorized immigration official of the Department of Homeland Security Bureau of Immigration and Customs Enforcement for deportation in accordance with established procedures provided by the Immigration and Naturalization Act, 8 USC Section 1101, et seq.

_____ If ordered deported, the defendant shall remain outside the United States.

FINANCIAL PENALTIES

☒ Court finds deft. is unable to pay fine.

_____ The deft. shall pay a fine of \$ _____. Interest waived? ____ yes / ____ no

_____ The deft. shall make restitution in the amount of \$ 0. Interest waived? ____ yes / ____ no

_____ Restitution is joint and several with _____

☒ The deft. shall pay a special assessment of \$ 100.00 as to each count.

The TOTAL SPECIAL ASSESSMENT due is \$100.00.

SCHEDULE OF PAYMENTS

☒ The Special Assessment/~~Restitution~~ shall be due in full immediately.

☒ Any balance remaining unpaid on the special assessment/~~restitution~~ at the inception of supervision shall be paid by the defendant in installments of not less than \$ 25.00 per month, until paid in full. Said payments shall commence 60 days after defendant's supervision begins.

☒ At the time supervision commences, the probation officer shall take into consideration the defendant's economic status as it pertains to his ability to pay the special assessment/~~restitution~~ ordered and shall notify the court of any changes that may be needed to be made to the payment schedule.

☒ Any special assessment ~~or restitution~~ ^{from time to time} payments may be subject to penalties for default and delinquency.

☒ Nothing in the court's order shall prohibit the collection of any judgment, ^{SA} or fine by the United States.

☒ Since this judgment imposes a period of imprisonment, payment of criminal monetary penalties, including the special assessment ~~and restitution~~, shall be due during the period of imprisonment. All criminal monetary penalty payments, including the special assessment, are to be made to the Clerk, United States District Court, except those payments made through the Bureau of Prisons' Inmate Financial Responsibility Program.

APPEAL RIGHTS/DISMISSAL OF COUNTS/BOP RECOMMENDATIONS

_____ The deft. notified of right of appeal.

_____ Court noted that deft. waived right of appeal in plea agreement.

☒ On motion of govt. the remaining counts of the indictment, to which the deft. ^{did} ~~has not~~ pled guilty, are hereby dismissed.

_____ The deft. is continued on present bond & cautioned re: bail jumping.

✓ The Court recommends that the defendant be confined in an institution near the Tidewater, Virginia area at somewhat.

_____ The Court recommends/directs that while incarcerated:

- _____ The defendant shall participate in a substance abuse program.
- _____ The defendant shall develop a skill or trade.
- _____ The defendant shall obtain his/her GED.

Comments/Witnesses/Exhibits

Witness: _____

Witness: _____

Witness: _____

Exhibit: _____

Exhibit: _____

Exhibit: _____